

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ABDUR FUSEINI,

Plaintiff,

vs.

9:02-CV-1127

DANIEL A. SENKOWSKI, Superintendent,  
Clinton Correctional Facility; T. KURTZ;  
W. PERKINS; JEFFREY REISDORF;  
R. GLASCOCK; DOCTOR TIM QUAIN,

Defendants.

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THOMAS J. McAVOY,  
Senior United States District Judge

**DECISION & ORDER**

This civil action was referred by this Court to the Hon. Gustave J. DiBianco, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to the Report-Recommendation dated March 21, 2005 have been filed. Furthermore, after examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

It is therefore,

**ORDERED** that Defendants' motion to dismiss (dkt. # 36) is

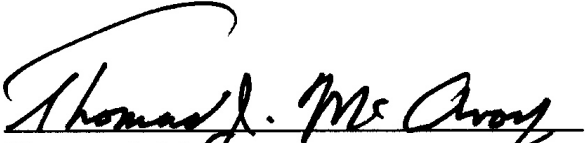
**GRANTED**, and the Complaint is **DISMISSED WITHOUT PREJUDICE** as to the excessive force claim as against Defendants **PERKINS, REISDORF, and GLASCOCK**; and it is further

**ORDERED** that Defendants' motion for summary judgment (dkt # 36) is **GRANTED**, and the Complaint is **DISMISSED WITH PREJUDICE** as to all other defendants for all other claims.

The Clerk of the Court is directed to close the file in this case.

**IT IS SO ORDERED.**

DATED: September 28, 2005

  
Thomas J. McAvoy  
Senior, U.S. District Judge